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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,002	11/09/2000	Minegishi Yukio	99564.002001	5998

22511 7590 05/16/2002

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EXAMINER

HUFNAGEL, GEORGE F

ART UNIT PAPER NUMBER

3712

DATE MAILED: 05/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/711,002

Applicant(s)

YUKIO

Examiner

George F Hufnagel

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1 – 3, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation “a main unit that is provided on the medium”, which is unclear regarding the exact structural limitation applicant intends in the word “provided”. Claim 2 recites the limitation “capable of being printed the main unit and sub unit”, which is unclear regarding the structural limitations applicant intends to claim in relation to the main and sub units. Claims 6 recites the limitations “the ranking sort unit” and “the evaluation marks”, which lack antecedent basis, and are therefore unclear. Claim 7 recites the limitation “the display”, which lacks antecedent basis, and is therefore unclear.

Claim 3 depends from rejected claim 2, and includes all of the limitations of the claim, thereby rendering this dependent claim indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Excel 97 SR-1 file "SolvSamp.xls".

Regarding claim 1, Microsoft discloses all of the elements of the claim, including an instrument (a standard personal computer as defined in the product documentation sections on recommended hardware for the software that is loaded, comprising at least a housing with DC power converter-supply, a CPU/RAM/motherboard combination, a CRT, flat screen, or similar video display unit, a keyboard and mouse, a color printer with paper, memory storage devices, speakers, video display/sound processing circuitry, compatible Microsoft brand Operating System software, including Microsoft '97 Office Suite software package, including Microsoft Excel '97 spreadsheet/workbook software and the Microsoft Excel file "solvsamp.xls", which is a tutorial file, loaded automatically into PC memory devices upon software installation) for contemplation comprising a medium (CRT, flat screen or similar video display unit) capable of displaying a character (the letter "A", in the word "example" in worksheet "shipping routes" of workbook "solvsamp.xls"), a main unit (Excel workbook file "solvsamp.xls") that is provided (displayed) on the medium, the main unit including a subject displaying cell ("Your company manufactures TVs, stereos and speakers, using a common parts inventory of power supplies, speaker cones, etc. Parts are in limited supply and you must determine the most profitable mix of products to build. But your profit per unit built decreases with volume because extra price incentives are needed to load the distribution channel.", first or top block or paragraph of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls") that displays a subject ("Product mix problem with

diminishing profit margin”), and a plurality of thought results displaying cells (“This model provides data for several products using common parts, each with a different profit margin per unit. Parts are limited, so your problem is to determine the number of each product to build from the inventory on hand in order to maximize profits.”, fourth or bottom block or paragraph of Excel worksheet “Product Mix”, of Excel workbook file “solvsamp.xls”) that are positioned in visual connection (adjacent one another on the same CRT) with the main unit and that display a plurality of thought results (“determine the number of each product to build from the inventory on hand in order to maximize profits”) found from the subject, and a sub unit (second and third or middle blocks or paragraphs of Excel worksheet “Product Mix”, of Excel workbook file “solvsamp.xls”) that is provided on the medium in visual connection (adjacent one another on the same CRT) with the main unit, the sub unit including a new subject displaying cell (titled “Profits”) that displays (on CRT) one of the thought results as a new subject (“TV set” profits), and a plurality of new thought results displaying cells (“Stereo” profits and “Speaker” profits) that are positioned in visual connection (adjacent one another on the same CRT) with the new subject displaying cell and that display a plurality of new thought results found from the new subject.

Regarding claim 2, Microsoft discloses all of the elements of the claim, including an instrument for contemplation wherein the medium includes a paper (8.5” x 11” sheet of paper of printer) that is capable of being printed the main unit and the sub unit, and the instrument for contemplation further comprises a bending portion (comprising the bold lines surrounding the fourth or bottom block or paragraph of Excel worksheet “Product Mix”, of Excel workbook file “solvsamp.xls”) used for bending the paper at the

boundary between the main unit and the sub unit, and a cutting portion (comprising the bold lines surrounding the second and third or middle blocks or paragraphs of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls") used for cutting a part of the paper at the boundary between a sub unit and another sub unit adjacent thereto.

Regarding claim 3, Microsoft discloses all of the elements of the claim, including an instrument for contemplation wherein the back of the paper is printed a supplementary cell for one of a thought result displaying cell in the main unit and a new thought result displaying cell in the sub unit, any time the two page document is printed out on both sides of one page of paper.

Regarding claim 4, Microsoft discloses all of the elements of the claim, including an instrument for contemplation comprising a medium (a standard personal computer as defined in the section "recommended hardware" for the software to be loaded, comprising at least a housing, a CPU/RAM/motherboard combination, a CRT, flat screen, or similar video display unit, a keyboard and mouse, a color printer with paper, memory storage devices, speakers, video display/sound processing circuitry, compatible Microsoft brand Operating System software, including Microsoft '97 Office Suite software package, including Microsoft Excel '97 spreadsheet/workbook software and the Microsoft Excel file "solvsamp.xls", which is a tutorial file, loaded automatically into PC memory devices upon software installation) capable of displaying a character (the letter "A", in the word "example" in worksheet "shipping routes" of workbook "solvsamp.xls"), a subject displaying cell ("Your company manufactures TVs, stereos

and speakers, using a common parts inventory of power supplies, speaker cones, etc. Parts are in limited supply and you must determine the most profitable mix of products to build. But your profit per unit built decreases with volume because extra price incentives are needed to load the distribution channel.”, first or top block or paragraph of Excel worksheet “Product Mix”, of Excel workbook file “solvsamp.xls”) that is provided (displayed) on the medium, the subject displaying cell displaying a subject (“Product mix problem with diminishing profit margin”), a thought unit (the fourth or bottom block or paragraph of Excel worksheet “Product Mix”, of Excel workbook file “solvsamp.xls”, which reads “This model provides data for several products using common parts, each with a different profit margin per unit. Parts are limited, so your problem is to determine the number of each product to build from the inventory on hand in order to maximize profits.”,) that is provided (displayed) on the medium, the thought unit including a plurality of thought result displaying cells (area of fourth or bottom cell under line, listed as “Problem Specifications”) that display a plurality of thought results (“Goal is to maximize profit”, “Units of each product to build”, etc.) found from the subject; and a plurality of selecting units (second and third or middle blocks or paragraphs of Excel worksheet “Product Mix”, of Excel workbook file “solvsamp.xls”) that are provided on the medium, the plurality of selecting units displaying a predetermined number of thought results (“TV set” profits, “Stereo” profits, and “Speaker” profits) selected among the thought results displayed in the thought unit, wherein each selecting unit includes an upper selecting unit (second middle block or paragraph of Excel worksheet “Product Mix”, of Excel workbook file “solvsamp.xls”) that displays the thought results selected (“Number to build” portion: 100 units each for TV sets, Stereos and Speakers) among

the thought results displayed in the thought unit, and a lower selecting unit (second middle block or paragraph of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls") that displays a plurality of thought results ("Profits" by product and as a total) selected among the thought results displayed in the upper selecting unit.

Regarding claim 5, Microsoft discloses all of the elements of the claim, including an instrument for contemplation as set forth in claim 4, wherein the thought unit is divided into a plurality of sub thought units ("TV sets", "Stereos", and "Speakers") that display a plurality of thought results ("Goal is to maximize profits", "Units of each product to build", etc.), and the number of the sub thought units and the number of the selecting units are decided in such a fashion that the former number and the latter number are added to each other to be equivalent to the number of the participants for a meeting (for example, one meeting participant from each product line, "TV sets", "Stereos", and "Speakers" and corporate position, "accounting", "manufacturing", "purchasing", etc.).

Regarding claim 6, Microsoft discloses all of the elements of the claim, including an instrument for contemplation comprising a medium (a standard personal computer as defined in the section "minimum recommended hardware" for the software to be loaded, comprising at least a housing, a CPU/RAM/motherboard combination, a CRT, flat screen, or similar video display unit, a keyboard and mouse, a color printer with paper, memory storage devices, speakers, video display/sound processing circuitry, compatible Microsoft brand Operating System software, including Microsoft '97 Office Suite software package, including Microsoft Excel '97 spreadsheet/workbook software



and the Microsoft Excel file "solvsamp.xls", which is a tutorial file, loaded automatically into PC memory devices upon software installation) capable of displaying a character (the letter "A", in the word "example" in worksheet "shipping routes" of workbook "solvsamp.xls"), a thought unit (the fourth or bottom block or paragraph of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls", which reads "This model provides data for several products using common parts, each with a different profit margin per unit. Parts are limited, so your problem is to determine the number of each product to build from the inventory on hand in order to maximize profits.",) that is provided (displayed) on the medium, the thought unit displaying a plurality of thought results (area of fourth or bottom cell under line, listed as "Problem Specifications") found from a subject, a rank sorting unit (horizontal, or row based "data sorting" subroutine, of Excel program) that is provided (available via pull down menus "Data", then "Sort") on the medium, the ranking sort unit displaying the plurality of thought result, the plurality of thought results being ranked according to a given criterion (numbers listed in one row of worksheet) and being sorted according to the ranks thereof, a ranking unit (vertical, or column sorted, data ranking subroutine, of Excel program) that is provided on the medium, the ranking unit displaying (on CRT) the plurality of thought results displayed on the rank sorting unit, the plurality of thought results being ranked according to the criterion (numbers listed in one column of worksheet) and sorted from the upper to the lower ("descending" sort option), and a contents sorting unit (row and column "hide function" subroutine, of Excel program) that is provided (available via pull down menus "Format", then "Row" or "Column", then "Hide" or "Unhide" function) on the medium, the contents sorting unit displaying the plurality of thought results that have been ranked

(visible and hidden), the plurality of thought results being sorted by contents (importance), wherein the rank sorting unit includes a plurality of cells (the individual worksheet unit cells defined by the rows and columns of the worksheet of the Excel workbook) that display the plurality of thought results and are given the evaluation marks (cells displaying dollar values of product profits), corresponding to the ranks (third worksheet, section titled "Profits: By Product") thereof, and the contents sorting unit includes a totaling cell (cell displaying dollar value of TOTAL product profits) that displays the plurality of thought results that are given the evaluation marks prepared by the participants in such a fashion that the plurality of thought results are sorted by contents (product name), and that displays the total of the evaluation marks (cells displaying dollar values of the sum total of each product profit) corresponding to a plurality of thought results sorted in the same classification.

Regarding claim 7, Microsoft discloses all of the elements of the claim, including an instrument (a standard personal computer as defined in the product documentation sections on "recommended hardware" for the software that is loaded, comprising at least a housing with DC power converter-supply, a CPU/RAM/motherboard combination, a CRT, flat screen, or similar video display unit, a keyboard and mouse, a color printer with paper, memory storage devices, speakers, video display/sound processing circuitry, compatible Microsoft brand Operating System software, including Microsoft '97 Office Suite software package, including Microsoft Excel '97 spreadsheet/workbook software and the Microsoft Excel file "solvsamp.xls", which is a tutorial file, loaded automatically into PC memory devices upon software installation) for contemplation using a computer, the computer being used by one of a plurality of

conference participants, the instrument for contemplation comprising a subject displaying cell ("Your company manufactures TVs, stereos and speakers, using a common parts inventory of power supplies, speaker cones, etc. Parts are in limited supply and you must determine the most profitable mix of products to build. But your profit per unit built decreases with volume because extra price incentives are needed to load the distribution channel.", first or top block or paragraph of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls") that is shown on the display (CRT) of the computer, the subject displaying cell displaying a subject ("Product mix problem with diminishing profit margin"), a thought unit (the fourth or bottom block or paragraph of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls", which reads "This model provides data for several products using common parts, each with a different profit margin per unit. Parts are limited, so your problem is to determine the number of each product to build from the inventory on hand in order to maximize profits.",) that is shown on the display of the computer, the thought unit including a plurality of thought result displaying cells (listed under "Problem Specifications") that display a plurality of thought results ("Goal is to maximize profit", "Units of each product to build", etc.) found from the subject, and a plurality of selecting units (second and third or middle blocks or paragraphs of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls") that are shown on the display of the computer, the plurality of selecting units displaying a predetermined number of thought results selected among the thought results ("TV set" profits, "Stereo" profits, and "Speaker" profits) displayed in the thought unit, each selecting unit including an upper selecting unit (second middle block or paragraph of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls") that

displays the thought results selected ("Number to build" portion: 100 units each for TV sets, Stereos and Speakers) among the thought results displayed in the thought unit, and a lower selecting unit (second middle block or paragraph of Excel worksheet "Product Mix", of Excel workbook file "solvsamp.xls") that displays a plurality of thought results ("Profits" by product and as a total) selected among the thought results displayed in the upper selecting unit, wherein the units are shown on the display of the computer used by the participant in a predetermined order (top to bottom).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George F Hufnagel whose telephone number is 703-605-1235. The examiner can normally be reached on Mon - Fri 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9301.

GFH  
May 15, 2002

  
DERRIS H. BANKS  
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